

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

WE THE PATRIOTS USA, INC,	:	
DENNIS SMITH,	:	Civil Action No. 1:23-cv-00773
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
MICHELLE LUJAN GRISHAM,	:	
in her official capacity only, PATRICK	:	
M. ALLEN, in his official capacity only,	:	
JASON R. BOWIE, in his official	:	
capacity only, TROY WEISLER, in his	:	
official capacity only, HAROLD	:	
MEDINA, in his official capacity only,	:	
	:	
Defendants.	:	SEPTEMBER 9, 2023

**PLAINTIFFS' EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION (EX PARTE RELIEF REQUESTED)**

Pursuant to Fed. R. Civ. P. 65 and D.N.M. LR-Civ. 7, the Plaintiffs – We The Patriots USA, Inc. and Dennis Smith, hereby respectfully moves the Court to issue an emergency temporary restraining order and preliminary injunction against the Defendant. They request the following relief:

1. A temporary restraining order barring the Defendants from enforcing the September 8, 2023 public health emergency order's prohibition on the public carrying of firearms in New Mexico for 30 days, its prohibition on the public carrying of firearms in New Mexico public parks for 30 days, and Executive Order 2023-130's enforcement provision of the same;

ORAL ARGUMENT REQUESTED AS TO PRELIMINARY INJUNCTION.

2. A preliminary injunction barring the Defendant from enforcing the September 8, 2023 public health emergency order's prohibition on the public carrying of firearms in New Mexico for 30 days, its prohibition on the public carrying of firearms in New Mexico public parks for 30 days, and Executive Order 2023-130's enforcement provision of the same;

Due to the emergency nature of this application and the Defendants' conduct which made it impossible for them to reach the Defendants' counsel prior to filing this motion, the Plaintiffs do not know the Defendants' position on this motion under Local Civil Rule 7.1(a).

Finally, the Plaintiffs hereby notify the Court that they are seeking immediate, *ex parte* relief. Their demonstration of good cause is contained in the accompanying memorandum of law and their attached Fed. R. Civ. P. 65 certification.

The Plaintiffs,

By: /s/ Cameron L. Atkinson /s/
Cameron L. Atkinson, Esq.
pro hac vice application pending
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CERTIFICATION OF SERVICE

The Defendants have not appeared in this matter. The undersigned has identified their appropriate legal representatives though and will provide them with copies of it immediately after he has verified that it has been electronically filed on the foregoing date. He will provide notice to the Court as soon as he has confirmed their receipt of the foregoing.

/s/ Cameron L. Atkinson /s/